

## Chapter 36

### **WATER AND SEWERS\***

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\***State law reference**—Municipal water and sewerage systems, S.C. Code 1976, §§ 5-31-10 et seq., 6-15-10 et seq.



**ARTICLE I. IN GENERAL****Sec. 36-1. Management and control of systems.**

The waterworks system and the sewerage system of the city and all matters and things appertaining to their use, management and control shall be under the exclusive control and jurisdiction of the board of public works of the city.  
(Code 1964, §§ 5-31, 24-1; Code 1980, § 23-1)

**Sec. 36-2. Compliance with state law and regulations in operation of systems.**

The board of public works shall ensure compliance with the statutes and Constitution of the state in all respects, as regards the operation of the waterworks system and sewerage system of the city and shall comply with all regulations of the state board of health, so as to ensure maximum protection to the health and welfare of the people of the city.  
(Code 1964, §§ 5-41, 24-3; Code 1980, § 23-2)

**Sec. 36-3. Rules and regulations of board of public works.**

The board of public works shall have complete authority to establish rules and regulations pertaining to water and sewer service, applications therefor, rates, meters, hydrants for fire protection, protection of waterworks and sewer system property, lines and pipes, and the regulation of the use of water at all times, including the right to restrict or cut off water use in time of emergency or shortage of water.  
(Code 1964, § 24-2; Code 1980, § 23-3)

**Sec. 36-4. Tap fees and service charges; extension of service beyond city limits.**

Rates, tap fees and all charges pertaining to water and sewer service in the city shall be determined and established by the board of public works. Any water and sewer service extended beyond the limits of the city shall be in accordance with the rules and regulations of the board of public works and upon such conditions and charges as the board may provide.  
(Code 1964, § 24-4; Code 1980, § 23-4)

**Sec. 36-5. Unauthorized connections, extensions, etc.**

It shall be unlawful for any person to tamper with, connect to or make any extension of any plumbing system or sewerage or water facility belonging to or under the control of the board of public works, without the express permission of the board. It shall likewise be unlawful for any person in any building or residence to make any unauthorized extension of water or sewer service. Permits shall first be obtained for any and all proposed extensions.  
(Code 1964, § 24-6; Code 1980, § 23-5)

**Secs. 36-6—36-27. Reserved.**

## ARTICLE II. DROUGHT RESPONSE

### Sec. 36-28. Declaration of policy, purpose and intent.

(a) To achieve the greatest public benefit from domestic water use, sanitation, and fire protection, and to provide water for other purposes in an equitable manner, the board of public works adopts the regulations and restrictions set forth in this article on the delivery and consumption of water.

(b) This article is hereby declared necessary for the preservation of public health, safety, and welfare and shall take effect upon its adoption by the commission.

(c) Whenever, in the judgment of the board of public works, it becomes necessary to conserve water in the service area, due to drought or water supply shortage conditions, the general manager of the board of public works is authorized to issue a proclamation that existing drought conditions prevent fulfillment of the usual water use demands. The proclamation is an attempt to prevent depleting the water supply to the extent that water use for human consumption, sanitation, fire protection, and other essential needs becomes endangered.

(d) Immediately upon the issuance of such a proclamation, regulations and restrictions set forth under this article shall become effective and remain in effect until the water shortage is terminated and the proclamation rescinded.

(e) Water uses regulated or prohibited under this article are considered to be nonessential, and continuation of such uses during times of water shortage are deemed to constitute a waste of water, subjecting the offenders to penalties (see section 36-30).

(f) The provisions of this article shall apply to all customers of the board of public works whether that customer is served directly by the board or is provided service by a water district that purchases water on a wholesale basis from the board of public works.  
(Code 1980, § 23-31; Ord. No. 1988-1, div. 1, 1-12-1988)

### Sec. 36-29. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Aesthetic water use* means water use for ornamental or decorative purposes such as fountains, reflection ponds, and waterfalls.

*Board* means the board of public works of the City of Gaffney, South Carolina.

*Commercial and industrial water use* means water use integral to the production of goods or services by any establishment having financial profit as its primary aim.

*Conservation* means reduction in water use to prevent depletion or waste of the resource.

*Customer* means any person, company, or organization using water supplied by the board.

*Domestic water use* means water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

*Drought alert phases:*

- (1) Moderate drought occurs when the Palmer Index reaches the -1.50 to -2.99 range and moderate drought conditions have been verified by the best available information, and conditions indicate this situation is expected to persist.
- (2) Severe drought occurs when the Palmer Index reaches the -3.00 to -3.99 range and severe drought conditions have been verified by the best available information.
- (3) Extreme drought occurs when the Palmer Index reaches or falls below -4.00 and extreme drought conditions are verified by the best available information.

*Essential water use* means water used specifically for personal needs or household purposes such as drinking, bathing, heating, cooking, sanitation, and for firefighting, maintaining instream flow requirements, and to satisfy federal, state, or local public health and safety requirements.

*Even-numbered address* means street addresses, box numbers or rural route numbers ending in 0, 2, 4, 6, 8, or letters "A" through "M"; and locations without addresses.

*General manager* means the general manager of the board.

*Institutional water use* means water used by government, public and private educational institutions, public medians and rights-of-way, churches and places of worship, water utilities, and other lands, buildings and organizations within the public domain.

*Landscape water use* means water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.

*Odd-numbered address* means street addresses, box numbers or rural route numbers ending in 1, 3, 5, 7, 9, or letters "N" through "Z".

*Palmer Index* means a measure of the severity of a drought, or a wet spell, in an area. Dry conditions are associated with negative values, wet conditions with positive values, and normal conditions have a value of zero.

*Water shortage* means lack of adequate available water to meet normal demands due to lower than normal precipitation, lack of adequate reserve supply, or reduced stream flows or soil moisture which causes water supplies to be less than usual.

(Code 1980, § 23-32; Ord. No. 1988-1, div. 2, 1-12-1988)

### **Sec. 36-30. Penalties.**

After issuing one warning by certified mail, the general manager may disconnect the water service of any person or customer whenever it is determined that such person has failed to comply with the provisions of this article. Services disconnected under such circumstances shall be restored only upon payment of a reconnection charge, which shall be established by

the board, and any other costs incurred by the board in discontinuing service. In addition, suitable assurances must be given to the board that the same action shall not be repeated during the drought or water supply shortage.

(Code 1980, § 23-37; Ord. No. 1988-1, div. 7, 1-12-1988)

**Sec. 36-31. Nonessential water use.**

Nonessential water uses may be curtailed during severe or extreme drought or water supply shortages. Some examples of nonessential water uses follow:

(1) *Residential and institutional.*

- a. Washing down sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
- b. Washing down buildings or structures for purposes other than immediate fire protection.
- c. Flushing gutters or permitting water to run or accumulate in any gutter or street.
- d. Washing any motor bike, motor vehicle, boat, trailer, airplane, or other vehicle in public or private garages or elsewhere.
- e. Maintaining fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life.
- f. Filling public or private swimming pools.
- g. Watering lawns, plants, trees, and other flora on private or public property.

(2) *Commercial and industrial.*

- a. Serving water routinely in restaurants.
- b. Increasing water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife.
- c. Irrigation golf courses and any portion of their grounds.
- d. Obtaining water from hydrants for construction purposes, fire drills, or for any purpose other than firefighting.
- e. Serving customers who have failed to repair leaks in their water piping systems.
- f. Expanding commercial nursery facilities, placing new irrigated agricultural land in production, or planting or landscaping.

(Code 1980, § 23-33; Ord. No. 1988-1, div. 3, 1-12-1988)

**Sec. 36-32. Responses to moderate, severe, and extreme drought alert phases.**

(a) Levels of drought, as set forth in the South Carolina Drought Response Act of 1985, are moderate, severe, and extreme. Proclamations issued by the general manager shall coordinate an appropriate response to the level of drought or water shortage which exists.

(b) Proclamations setting forth responses to the various drought alert phases shall be made by the general manager and are to be based upon the board's available water supply from Lake Whelchel and the Broad River.

(1) *Moderate drought alert phase.*

a. *Goal.*

1. A 15 percent voluntary water use reduction for agricultural, commercial, industrial, and institutional purposes.
2. A 30 percent voluntary water use reduction for residential customers.

b. *General responses.*

1. Issue a public notice of drought conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of nonessential water uses (see section 36-31).
2. Encourage customers of the board to comply with the listed voluntary water use restrictions in all categories while moderate drought or water supply shortage conditions exist.

c. *Water use restrictions.*

1. Agriculture, irrigation and livestock: Implement conservation techniques, explore different water-saving methods, and use alternative sources.
2. Commercial, industrial, and institutional: Reduce aesthetic, domestic, landscaping, and water-based recreational activities such as swimming pools, water slides, and other related water activities.
3. Residential:
  - (i) Reduce water use to 75 gallons per person per day, and a maximum of 300 gallons per household per day.
  - (ii) Reduce domestic, landscaping, water-based recreational activities such as swimming pools, water slides, and other related water activities.

(2) *Severe drought alert phase.*

a. *Goal.*

1. A 15 percent water use reduction for agricultural, commercial, industrial, and institutional purposes.
2. A 30 percent water use reduction for residential customers.

b. *General responses.*

1. Issue a public notice of drought conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of water use curtailment measures.

2. Require customers of the board to comply with the listed water use restrictions in all categories while severe drought or water supply shortage conditions exist.
- c. *Water use restrictions.*
1. Agriculture, irrigation and livestock:
    - (i) Implement conservation techniques, explore different water-saving methods, and use alternative sources.
    - (ii) Restrict irrigation use to the hours of 7:00 p.m. to 7:00 a.m. and prohibit water runoff.
  2. Commercial, industrial, and institutional:
    - (i) Prohibit aesthetic water use.
    - (ii) Reduce domestic water use to minimum levels necessary for maintaining health and safety.
    - (iii) Limit water-based recreational activities of new facilities that require filling such as swimming pools, water slides, and other related water activities.
    - (iv) Use low-volume, handheld applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design and maintenance.
    - (v) Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.
  3. Residential:
    - (i) Restrict water use to 75 gallons per person per day, and a maximum of 300 gallons per household per day.
    - (ii) Limit water-based recreational activities of new facilities that require filling such as swimming pools, water slides, and other related water activities.
    - (iii) Use low-volume, handheld applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design and maintenance.
    - (iv) Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.
- (3) *Extreme drought alert phase.*
- a. *Goal.*
    1. A 15 percent water use reduction for agricultural, commercial, and industrial purposes.



2. A 30 percent water use reduction for institutional and residential customers.
- b. *General responses.*
1. Issue a public notice of drought conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of water use curtailment measures.
  2. Require customers of the board to comply with the listed water use restrictions in all categories while extreme drought or water supply shortage conditions exist.
- c. *Water use restrictions.*
1. Agriculture, irrigation and livestock:
    - (i) Implement conservation techniques, explore different water-saving methods, and use alternative sources.
    - (ii) Restrict irrigation use to hours of 7:00 p.m. to 7:00 a.m. and prohibit water runoff.
  2. Commercial, industrial, and institutional:
    - (i) Prohibit aesthetic water use.
    - (ii) Reduce domestic water use to minimum levels necessary to maintain health and safety.
    - (iii) Prohibit water-based recreational activities that require filling such as swimming pools, water slides, and other related water activities.
    - (iv) Use low-volume, handheld applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design and maintenance.
    - (v) Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.
  3. Residential:
    - (i) Restrict water use to 55 gallons per person per day, and a maximum of 220 gallons per household per day.
    - (ii) Reduce domestic water use to minimum levels necessary to maintain health and safety.
    - (iii) Prohibit water-based recreational activities that require filling such as swimming pools, water slides, and other related water activities.
    - (iv) Use low-volume, handheld applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design and maintenance.

- (v) Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.

(Code 1980, § 23-34; Ord. No. 1988-1, div. 4, 1-12-1988)

**Sec. 36-33. Water rates.**

In the event of an extreme drought-related water shortage, the general manager is hereby authorized to monitor water use and limit households to 220 gallons per household per day. Domestic water use above this limit will be subject to a surcharge, the amount of which shall be established by the board. Institutional, commercial, industrial, and recreational water users will be subject to water use surcharges if the general manager deems that adequate conservation measures have not been implemented.

(Code 1980, § 23-35; Ord. No. 1988-1, div. 5, 1-12-1988)

**Sec. 36-34. Rationing.**

In the event that a drought threatens the preservation of public health and safety, the general manager is hereby authorized to ration water.

(Code 1980, § 23-36; Ord. No. 1988-1, div. 6, 1-12-1988)

**Sec. 36-35. Variances.**

(a) *Generally.* Persons not capable of immediate water use reduction, or curtailment, because of equipment damage or other extreme circumstances, shall commence gradual curtailment of water use within 24 hours of the declaration of water use curtailment or reduction and shall apply for a variance from curtailment.

(b) *Petition.*

- (1) Persons requesting exemption from the provisions of this article shall file a petition for variance with the board within ten days after such curtailment becomes effective.
- (2) Petitions shall contain the following:
  - a. Name and address of the petitioners.
  - b. Purpose of water use.
  - c. Specific provision from which the petitioner is requesting relief.
  - d. Detailed statement as to how the curtailment declaration adversely affects the petitioner.
  - e. Description of the relief desired.
  - f. Period of time for which the variance is sought.
  - g. Economic value of the water use.
  - h. Damage or harm to the petitioner or others if petitioner complies with this article.

- i. Restrictions with which the petitioner is expected to comply and the compliance date.
- j. Steps the petitioner is taking to meet the restrictions from which variance is sought and the expected date of compliance.
- k. Other pertinent information.

(c) *Petitioner requirements.* In order for a variance to be granted, the petitioner must show one or more of the following conditions:

- (1) Compliance with this article cannot be technically accomplished during the duration of the water shortage.
- (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(d) *Temporary variances.* The general manager may, in writing, grant temporary variances for existing water uses otherwise prohibited under this article if it is determined that failure to grant such variances would cause an emergency condition adversely affecting health, sanitation, or fire protection for the public or the petitioner and if one or more of the aforementioned conditions is met. The board shall ratify or revoke any such variance at their next scheduled meeting. Any such variance so ratified may be revoked by later action of the board.

(e) *Not retroactive.* No such variance shall be retroactive or otherwise justify any violation of this article occurring prior to the issuance of the variance.

(f) *Conditions.* Variances granted by the board or the general manager shall be subject to the following conditions, unless waived or modified by the board:

- (1) Variance granted shall include a timetable for compliance.
- (2) Variances granted shall expire when the water shortage no longer exists, unless the petitioner has failed to meet specified requirements.

(Code 1980, § 23-38; Ord. No. 1988-1, div. 8, 1-12-1988)



Chapter 37

**RESERVED**

